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'Data.gov-in-a-box': Delimiting Transparency
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Abstract

Given that the Obama Administration still relies on many strategies we would think of as on the side of secrecy, it seems that the only lasting transparency legacy of the Obama Administration will be data-driven or e-transparency as exemplified by the web interface 'data.gov'. As the data-driven transparency model is exported and assumes an ascendant position around the globe, it is imperative that we ask what kind of publics, subjects, and indeed, politics it produces. Open government data is not just a matter concerning accountability but seen as a necessary component of the new 'data economy'. To participate and benefit from this info-capitalist-democracy, the data subject is called upon to be both auditor and entrepreneur. This article explores the implications of responsibilisation, outsourcing, and commodification on the contract of representational democracy and asks if there are other forms of transparency that might better resist neoliberal formations and re-politicise the public sphere.

Keywords: Transparency, Data, Neoliberalism, Imperialism, Deleuze

After eight years of an administration that appeared increasingly enamoured by and wedded to secrecy, it is not surprising that Barack Obama invested so heavily in the rhetoric of transparency in the early days of his presidency. The public was told that his administration would be 'the most open and transparent in history' (The White House, 2009a). But instead of reversing many of the secretive practices of the Bush Administration (including invocation of the State Secret Privilege; the practice of extraordinary rendition; the use of drone strikes and covert cyber weapons; a punitive approach to whistleblowers; and, as we now know, the mining of worldwide communications metadata), Obama's transparency primarily involved the establishment of a web interface – data.gov – and the release of a directive (The White House, 2009c) to ensure government agencies would publish timely datasets and

information on it.[1] Indeed, other nations can now use this model of open government – the Open Government Platform (also described as 'data.gov-in-a-box'). As the data-driven transparency model is exported and assumes an ascendant position around the globe, it is imperative that we ask questions about what kind of publics, subjects, and indeed, politics it produces.

Open government data is not just a matter concerning accountability for the US and other nation states. It is also seen as a necessary component of the new 'data economy'. To participate and benefit from this info-capitalist-democracy, the data subject is therefore called upon to be auditor (to monitor the granular transactions of the state in the name of accountability), entrepreneur (to make data profitable through apps and visualisations) and consumer (as the market for such apps and visualisations). This article explores the implications of responsibilisation, outsourcing, and commodification on notions of civic duty and the implicit contract between representatives and represented within a liberal democracy. It asks if there are other forms of transparency that might better resist neoliberal formations and re-politicise the public sphere.

Post-Political Offerings

Plenty of journalists and commentators, perhaps most notably the *Guardian's* Glen Greenwald, have pointed out the hypocrisy of Obama's simultaneous investment in secret statecraft and government transparency. My focus in this article is not so much what individual covert practices tell us about the distance between rhetoric and reality but more what the continuance of those practices suggests about the limited and limiting form of transparency being offered to the public. Rather than addressing secrecy as a political problem – instigating a different style of politics, a real engagement with the public's concerns, or a radical understanding of accountability or ethics – the Obama administration presented an apparently post-political solution in the form of data-driven transparency. We should, perhaps, think of this asymmetric offering as part of a wider depoliticising trend characteristic of 'communicative capitalism' (Dean, 2005; 2009). According to Jodi Dean, communicative capitalism is characterised by 'the circulation of content in the dense, intensive networks of global communications' that 'relieves top-level actors (corporate, institutional and

governmental) from the obligation to respond' (2005: 53). Instead of responding to antagonists, actors simply contribute to the flow of communication, 'hoping that sufficient volume (whether in terms of number of contributions or the spectacular nature of a contribution) will give their contributions dominance or stickiness' (Dean, 2005: 53). This is disabling to politicisation proper, she insists, because the multiplication of positions 'hinders the formation of strong counterhegemonies' (53).

Yet, providing data as a proxy for accountability, asking data to 'speak for itself', is somewhat different from other depoliticising communications. Its contribution to the flow, that is, is positioned differently. While the proliferating contributions from top-level actors at least act *as if* they are engaging in politics, are positioned as being within the political debate even if by Dean's standards they fall way short, data provision gains its force from evading the pall of politics, just as transparency is presented as non-partisan or pan-ideological (Triplett, 2010). Whether or not this is the case, the provision of data is presented as above the flow of both real and simulated politics: it is *made available* rather than *communicated*; it preempts or intercepts communication. Its post-political status is claimed not because it leaves ideology behind, but in reference to its presentation as pre-political, pre-ideological. This recalls the common figuration of data as information rather than knowledge or interpretation; as transparent, pre-interpretive, pure, raw. It is a full stop employed at the beginning of a sentence. Ironically, it is our very enthusiasm for, and belief in the efficacy of more and more data that 'become a faith in their neutrality and autonomy, their objectivity' (Gitelman & Jackson, 2013: 3). Public confidence in data provision makes us complicit in the current trend to provide data in lieu of politics.

It would be wrong to suggest that all data provision necessarily operates within and feeds the logic of communicative capitalism, closing down possibilities for political engagement and resistance. We might, for example, consider the vast trove of data made available by Bradley Manning via WikiLeaks and collaborating media outlets, or Edward Snowden's revelations concerning NSA programmes such as PRISM and UPSTREAM to be of a different order. (Dean, we should note, in a different article, is pessimistic on this point positioning WikiLeaks as wholly in-keeping with, rather than a challenge to, communicative capitalism (2011)). Yet it is possible to claim that the

particular configuration of data-driven transparency currently being championed and implemented in the US, and rolled out to other nation states, produces a certain relationship between government and governed, representatives and represented that is highly delimiting. It does this by encouraging a subjectivity conducive to, and accepting of, neoliberalism. Though neoliberalism is a disputed term, it is employed here to refer to a cluster of social and politico-economic configurations that encourage individual rather than collective political agency in a way that significantly reduces the possibility of politics as an arena of antagonism between real alternatives. Whether from Enlightenment philosophers or twentieth century Chicago School neoliberal economists, we have long associated the flow of information with democratic market-based societies. Equally, apparent crises of secrecy are often sutured by rhetoric and regimes of openness. What is new here is the unprecedented quantity of raw data and the speed of its delivery, the action and outsourcing required by imagined 'data publics' (Ruppert, 2013) to make sense of it, and the auditor-entrepreneurial-consumer subjectivity produced.

Over- and ill-defined uses of the term neoliberalism in the humanities and social sciences have perhaps devalued it for productive critique (Boas & Gans-Morse, 2009: 137-161). Indeed, it is not enough to simply identify yet another example of a neoliberal formation, another *dispositif* through which this form of governmentality is practiced. In the best work in this field, every instance is considered in order to discover something about neoliberalism's mutatations and adaptations – and we do this in order to seek out systemic vulnerabilities and opportunities for intervention rather than surrender to its hegemony. The focus, therefore, is not on proving that transparency illustrates, reflects or reinforces a fixed, singular ideology, but rather showing how, through the latest, technological incarnation of transparency within government, we can see neoliberalism and its subjects, as a lived and living set of relations or network, adapting. It is possible that in the process of adaptation, the conditions for, or material forms of, resistance are unwittingly produced: a resistance that hopefully eludes co-option and interrupts hegemony.

The secret of data-driven transparency's support in recent decades might not be so secret (it is so oft invoked precisely because it is considered an easy, technological fix

to complex, political and social problems), but what might this ascendant form of transparency occlude? Are there other forms of transparency that would be more resistant to neoliberal formations, more palatable to those of us on the left of liberalism? Those of us that feel that good governance involves more than open data – a *response*, in Dean's words, rather than a *provision*.

These questions will be returned to, but first we should consider more closely the subjectivity aligned with government data-driven transparency by looking at the US system. Though it would be possible (and interesting) to tell a different story of transparency beyond the global north, the US (alongside the UK) has been identified as being a 'trend setter' in the provision of open government data as part of its transparency agenda (Tinolt, 2013). It is the attendant ideologies, subjectivities and politics of this 'trend' that this article explores.

Transparency Prototype

It wouldn't be true to say that all of Obama's transparency initiatives rely on the version of e-transparency that is the focus of this article – i.e. (big) data driven transparency. The 2010 Reducing Over-Classification Act, for example, reversed the wisdom of the preceding administration to restore 'the presumption against classification' (White House, 2009b). In this vein, Obama established the National Declassification Center (NDC) in December 2009 to review and declassify 371 million pages of material by December 2013 (a target, we should note, that reports published at the time of writing this article suggest will not be met). However, a significant amount of the work put in motion or requested by the administration centres on making large government datasets available to citizens. Indeed, on the 'About' page of the federally funded data.gov (the gateway to these datasets) it declares the interface to be 'a priority Open Government Initiative for President Obama's administration' (http://www.data.gov/about). And while many have questioned the Obama administration's commitment since the budget for the Electronic Government Fund was cut in 2011 from $34 million to $8 million, and others have doubted its effectiveness (see Worthy, 2013), it is clear that data-driven transparency, poorly funded though it may currently be, is the ascendant, ideal model for many. What has

become known as the Transparency Movement itself provided the momentum towards data-driven transparency.

The Transparency Movement is, in practice, a varied group of advocates, each with their own field of interest, whether aid and development in the global south, freedom of information, or the role of money in American domestic political campaigns. Increasingly, civil lobbying groups concerned with government accountability are focused on the central role they see for technology in their quest. The DC based Sunlight Foundation is typical of this position. They write that their aim is to 'make government more accountable and transparent' through the use of 'cutting-edge technologies and ideas' (http://sunlightfoundation.com/about/).

Data.gov seems to be a direct response to such calls. It has been described as 'a data clearinghouse for the federal government' (Montanez, 2011) intended, as the website claims, to 'increase public access to high value, machine readable datasets generated by the Executive Branch of the Federal Government' (http://www.data.gov/about). Though some commentators have cited the lack of cooperation from various agencies as an indicator of its failure (Worthy, 2013; Peled, 2011) the site currently contains over 300,000 raw and geospatial datasets, over 1,000 data tools, and involves 171 agencies and subagencies. The kind of data available is extremely varied. A random search found a dataset published by the US Census Bureau and the Department of Commerce charting national trade including imports, exports, and balance of payments for goods and services; a dataset containing disability claim data; and another providing demographic data on US nuclear facilities. The openness of all this data is obviously meaningless until it is witnessed. And it is the *ideological* call upon us, or interpellation, as data subjects or publics that is key here.

There are a few notable critiques assessing transparency in terms of its ideological function. Christina Garsten and Monica Lindh de Montoya (2008) have made one of the most sustained interventions in recent years, focusing on transparency's complicity with 'a neoliberal ethos of governance that promotes individualism, entrepreneurship, voluntary forms of regulation and formalized types of accountability' (2008, 3); but Adorno (1951/2006) was perhaps the first to read

transparency as ideological (albeit with a focus on language rather than the myriad practices we associate with this term today). In *Minima Moralia*, Adorno attempts to train his reader to seek truth through the opacity rather than transparency of language. 'For Adorno,' Eric Jaroniski explains, '"society's crystal clear order" offers a promise of insight that fails to deliver anything more than ready-made enlightenment, blocking out a more engaging vision of change that is still to come' (2009, 160). Transparency, then, only reveals that which is conducive to maintaining the status quo. For Adorno, it is the use and presentation of communication as transparent and unmediated, as non-ideological, which is of primary concern. Garsten and de Montoya are more interested in the ideological character of transparency practices themselves. In order to take on the particular form of data-driven transparency identified in the current article, we can draw on both of these approaches to think about transparency as a form of mediation with ideological characteristics that engender and reinforce certain identities and relations.

Readings, that is, like Garsten and de Montoya's, which focus on, for example, the way in which transparency policies can facilitate the flow of free market capital by making global fiscal transactions easier and can make processes of rationalisation that privilege the market over other markers of success easier to implement account for a general correspondence between transparency and neoliberal conditions. But by looking beyond effects to take on board Adorno's interest in transparency's mediating qualities, we can look at the specific subjectivity activated, communicated and supported by transparency technologies. This will enable us to move beyond the observation that transparency has neoliberal characteristics, towards an understanding of it as instrumental in modifying the democratic contract and producing subjects invested in the continuance of that modified contract. In a familiar move, data-driven transparency changes the rules of the game *and* the players' engagement and expectations. Or, as Maurizio Lazzarato puts it with reference to neoliberalism more generally, it 'ensures the conditions for power to exercise a hold over conduct' (2009: 111).

The big data released by government requires new skills from citizens and a new kind of (unelected and unregulated) mediator: actors who can analyse data and those that

can create 'apps', data visualisations, and platforms to aid navigation and analysis. This form of transparency creates a 'data public' – an imagined public able to 'analyse and do things with data' (Ruppert, 2013). Witnessing itself, as Ruppert recognises, 'is thus turned into doing such that the literary technologies of auditor statements or government annual reports are displaced by myriad analyses conducted by imagined data publics'. In the process, the multiple agents that make up the data public *produce* rather than *reveal* (myriad versions of) the state. The burden of monitoring, regulating and translating the transactions of the state moves from the state to the responsibilised citizen: in order to fully participate, we are asked to be auditors, analysts, translators, programmers. An experience of agency in this respect is reliant upon technological competence. But there is an additional imperative at work here, for 'do[ing] things with data' is not just a pastime of vigilant netizens wishing to keep the state in check; the 'data public' includes entrepreneurs and consumers because government posits data as a resource ripe for mining and commodification.

The remit of the US Presidential Innovation Fellows, for example, is to 'unleash data from the vaults of the government as fuel for innovation' (Chapman et al, 2013). With this aim in mind, they have organised a series of 'datapaloozas' – gatherings of entrepreneurs, software developers, and policy makers to discuss new ways of harnessing the energy of different data streams - on health, energy, education, global development and finance. Such data becomes the fuel for, and content of downloadable applications intended to aid choices in the public and private sectors, such as choosing a school for one's child, or assessing a surgeon's success rate. Beyond the US, a report commissioned by the UK Cabinet Office explicitly states that one intention from the data released as part of its Transparency Agenda is to support the development of 'social entrepreneurs' (O'Hara, 2011: 5). In 2013, the G8 signed up to the Open Data Charter, the fifth principle of which is 'Releasing Data for Innovation' (UK Cabinet Office, 2013) stressing the economic in tandem with the social value.

In this guise, data becomes the basis for the recently christened 'data economy'. This is an economy that shouldn't be underestimated: the production of civic interfaces and other commercial uses of open data is big business.[2] For example, 'McKinsey and

Associates estimates the annual economic value of big, open liquid health data at about $350 billion annually' (Howard, 2012). With respect to the EU27 economy, the direct impact of Open Data was estimated in 2010 at €32 Billion (See Vickery, 2010; Tinolt, 2013).

It is not the case that the economic value of open data automatically places suspicion on the rhetoric concerning its social value (though in certain cases this might well be true). Of importance is the way in which this dual function carves out a particular position for subjects. The model of data-driven transparency addresses citizens in three stages. First, our vigilance is called for, demanded even, as a form of civic duty enabling us to realise the social value on offer and be fully engaged political subjects. Almost immediately, we are excused from our civic duty in this form, at least as 'mere' citizens: our vigilance is acknowledged as near-impossible, as necessitating skills and free time most 'ordinary' citizens don't possess, and is therefore outsourced to entrepreneurs (the implication being that citizens will consider becoming such entrepreneurs or at least purchase from them). And finally, we are asked to buy back (or sell) the data that was first made available to us, *for* us, now in a digestible, market form in order, as one data.gov blog entry puts it, to help citizen-consumers facing 'increasingly complex choices in today's marketplace' (Gearen, 2013). In order to be an ideal citizen, we have to be a consumer of mediated open government data, and accept the responsibilised subjectivity therein implied. Why 'responsibilised'? Because if the data is open, it becomes the fault of citizens when anomalies, abuse or corruption are not noticed. Equally, citizens only have themselves to blame if they do not consume the data that can help them to navigate the system and the choices laid out before them.

This dual function of open data – to answer the demands of democratic accountability *and* economic growth – configures the imaginary identity of the ideal data subject as a citizen-auditor-consumer-entrepreneur. It is common knowledge that one of the defining features of neoliberalism is the way in which it applies market competition to traditionally extra-economic, social spheres, like health or education. In the figure of the citizen-auditor-consumer-entrepreneur, however, such a feature reaches in a new direction. The rationality of the market extends to the democratic contract

between representatives and represented itself. We become reliant upon the market to close the circle of democratic representation and the accountability upon which it is based. Only government data that can be made profitable will be delivered to the public in user-friendly forms. Profitability in this case is based on (public) demand, indicating a paradox: the public must already know what it wants in order to receive the applications that can help them understand the data. Accountability is thus limited by the conditions of profitability. It is not, then, just that transparency supports market forms of exchange, as Garsten and de Montoya remind us, but that the rationality of the market determines the dominant articulation of openness in political life: data-driven, entrepreneurial transparency. This is one response to the central problematic that neoliberalism sets itself: that is to say, in Michel Foucault's words, 'how the overall exercise of political power' and a 'general art of government […] can be modelled on the principles of a market economy' (2008: 131).

It is obvious to state that the control, ideological or otherwise, to be found in open societies is very different from that of closed societies, but we also need to recognise that control within neoliberal open societies is different from preceding phases of open democracy and capital. This means that we must ask the question: What is the nature of the control to which data-driven government transparency subjects its imagined data public? Though the term 'neoliberalism' never appears in Gilles Deleuze's short but influential essay, 'Postscript on the Societies of Control' (1992), it offers a reading of power, governmentality and political economy in post-disciplinary societies that can help us here. In the 'Postscript', Deleuze evokes Foucault's work on discrete and autonomous units of confinement characteristic of disciplinary societies in order to establish more contemporaneous dispersed mechanisms of control. Data-driven government transparency, which as a move from administrative to democratic accountability might seem like an unequivocal good, can be problematised through Deleuze's societies of control to give a clear sense of why techniques of emancipation can be experienced otherwise.

While Deleuze's essay predates the data-driven government transparency focused on in this article by several decades, it can help us to understand this phenomenon in a number of ways. First, just as Deleuze identifies the way in which environments of

enclosures (like the prison, the hospital and the school) are now subject to forms of free-floating control, we can see how in opening up government, making its boundaries porous through open data, outsourcing and responsibilisation, data-driven transparency ensures that the business of governance (and citizenship) is without boundaries or end. So while government becomes 'smaller' in many ways, in order to allow the market to do much of the work previously accorded the state, government simultaneously has a ubiquitous presence in the form of raw data or, perhaps more importantly, digital tools to help navigate the state in its market form. Like the corporation, which has replaced the factory, data-driven government transparency makes government 'a spirit, a gas' (Deleuze, 1992: 4).

Second, through Deleuze's observation that control mechanisms are inseparable variations, we can see data-driven transparency and the data economy in relation to other 'modulations' (1992: 4) in the neoliberal field. As opposed to enclosures, which are molds or castings, modulations are 'like a self-deforming cast that will continuously change from one moment to the other' (Deleuze, 1992: 4). Modulations are 'in states of perpetual metastability that operate through challenges, contests…' (Deleuze, 1992: 4). The data economy as an entrepreneurial enterprise, in which data-driven transparency plays a crucial role, necessarily requires such metastability in order to become profitable. Moreover, datapaloozas are a clear example of the 'challenges' and 'contests' that drive remuneration and profit. Crucially, the logic of control means that each experience of governmentality is a continuity. Data-driven transparency is thus one modulation within a 'continuous network' (Deleuze, 1992: 6) that demands perpetual vigilance and innovation.

Third, in a formulation that helps us to assess what is at stake in the technological conditions of data-driven transparency, Deleuze shows that we can be controlled through the conditions of access as well as confinement. He cites Félix Guattari's example of an electronic card that can open barriers in a city, but that 'could just as easily be rejected on a given day or between certain hours; what counts is not the barrier but the computer that tracks each person's position – licit or illicit – and effects a universal modulation' (Deleuze, 1992: 7). The emancipatory qualities of data-driven transparency involve control because of the entrepreneurial metastatis

required to convert a previously extra-economic form into capital, the continuous vigilance of data subjects, as well as submission to market logic necessary to complete the democratic contract.

It would be a mistake to think that Deleuze is nostalgic about the certainties of disciplinary societies, but it is fair to say that environments of enclosure with their clear borders offered more opportunities for distinctive, oppositional subject positions or the creation of counter-publics. While not using disciplinary societies as her starting point, Dean writes, 'Whereas the Keynesian welfare state interpellated subjects into specific symbolic identities (such as the worker, the housewife, the student or the citizen), neoliberalism relies on imaginary identities. Not only do the multiplicity and variability of such identities prevent them from serving as loci of political action but their inseperability from the injunctions of consumerism reinforces capitalism's grip' (2009: 51). In general, the neoliberal subject is 'one who strategizes for her – or himself among various social, political and economic options, not one who strives with others to alter or organize these options' (Brown, 2005: 43). Even armed with the information provided through transparency, the data subject, specifically, is a weak position from which to enact or coalesce counterhegemonies because it is reliant upon continuing the forms of control to which it is subjected. The data subject is not only dependent financially, but socially (in order to be able to navigate the system) and politically/democratically (to activate representation and accountability).

For anyone concerned about the limited or perhaps interrupted political agency produced by neoliberal formations, there is a real question here about what form transparency should take and the kinds of social and political relations technologies of transparency engender or at least imagine. It is especially important to ask this question now, not least because the US is currently working on an open source model of e-transparency – offered to nation states as a complete platform package and open data solution: the 'Open Government Platform' is described as 'data.gov-in-a-box'. It is a pre-digested formulation of open government that might constitute, at least with some caveats given the many problems that attend other uses of the latter term, 'transparency imperialism'.[3] (We will return to this below.) But also because in the

wake of recent revelations about the NSA's data surveillance, there is clearly a covert 'other' to big and open data that means that the accountability promised by the US government's data-driven transparency tools is already compromised. Given that the data surveillance techniques used by the NSA are justified via secret legal interpretations of the Patriot Act, the lines and logic of accountability are impossible for anyone without the correct security clearance to trace. Incorporating this dark underside into our conceptualisation of the data public presents a subject who is monitored while being asked to monitor; acted upon as data while being asked to act on data; more data *object* than *subject*. This data object is valuable for the way in which she contributes to the control standard within the monitored flow of metadata: either she presents as a norm or as an anomaly. In this scenario, it is not her access to data that matters, but her reduction to a data representation – her small part to play within pattern recognition. If open data is promoted with an eye to the contribution entrepreneurial activity makes to economic growth, the value of covert data is securely in the realm of national and international statecraft. Of course, geopolitical advantage and economic advantage are related. We cannot call this situation (in which the data subject/object is supposed to both 'do things with', and unknowingly yield data) 'two-way transparency' because transparency that has not been assented to is simply surveillance.

Transparency Imperialism?

The tendency to offer data in lieu of a 'response' (or as part of a package intended to provide accountability, even when accountability might not be the problem as such) is a trend not confined to the American context of course: in the wake of the MPs expenses scandal in the UK, for example, the coalition government implemented its Transparency Agenda in 2010 requiring all Whitehall departments to place important public datasets on its own web interface – data.gov.uk. Nation states in the global north and south are committing to a particular version of transparent government focused on the provision of government data and information online, particularly since the launch of the open government partnership in 2011 (http://www.opengovpartnership.org). One available model for data-driven transparency is an open source version of data.gov developed through a US-India partnership. Its website tells us that the Open Government Platform 'has become an

example of a new era of diplomatic collaborations that benefit the global community that promote government transparency, citizen-focused applications, and enrich humanity' (http://www.opengovplatform.org). As of August 2013, Ghana and Canada have launched open government portals using this platform with others lining up to implement 'data.gov-in-a-box' (http://www.data.gov/welcome-open-government-platform).

Given such rhetoric, the charge of transparency imperialism seems uncharitable. The provision of open source software and platforms that would take considerable time and investment to create from scratch is, of course, laudable; on a par, perhaps, with the distribution of generic HIV medicines in the developing world. But such a comparison would be misleading. On one hand, the circulation of goods and services at a reduced cost or for free certainly levels a very uneven playing field. On the other, in the case of the provision of the Open Government Platform at least, a particular configuration of the relationship between citizen and government, and the role of data in that relationship, a whole discursive regime, risks being exported alongside the technology. Staying with the comparison invoked, it could be argued that all imports, including antiretrovirals, are aligned with particular power relations, but that the positive outcomes outweigh the burden of inheritance. The pull or desire from transparency advocates in the south for platforms and tools also perhaps renders the label 'imperialism' problematic. In any case, the relations fostered by the protocols of data.gov-in-a-box would not be perceived as a negative in the first place given the reach of what Mark Fisher calls 'capitalist realism' (2009) around the globe. For Fisher, capitalist realism is not the acceptance of neoliberal policies but the acceptance that there is no alternative. Such acceptance is often always already present, cancelling out the need for debate over seemingly apolitical imports like technology (and, we could add, medicine).

While the flow from 'centre' to 'periphery' is neither ubiquitous (applicable to all techno-cultural productions) nor monolithic (the same in any and every exchange), and the multiple trajectories of networked globalisation are rarely discussed in this way, in this instance it is useful to think of data-driven transparency in terms of 'imperialism', at least as long as we reconceptualise this term via Deleuze's concept of

control. For, while developing the open source version of data.gov is a US-Indian partnership, and local content or data would appear on each site, the particular ideo-technoscape (Appardurai, 1996) of interest here, *this* neoliberal form, risks harming as much as emboldening democratic impulses and structures by replicating the cycle of depoliticisation and control outlined above.[4] Some effects and affects of data-driven transparency will be wholly singular to a given context, but the dominance of neoliberal logic is a constant. In this way, it is not that the US per se acts as an imperialist agent, but rather that a fluctuating network of control via technological protocols produces imperialist effects. Dominant concepts of subjectivity, agency and democracy travel with the exported model.

Critical Transparency Studies

As an academic working in the vein of what myself, Mark Fenster and Mikkel Flyverbom have called 'critical transparency studies', I sometimes encounter hostile attitudes towards my work.[5] Criticisms largely come from the developing south, from practitioners and campaigners who say they can only hope for transparency mechanisms and tools as sophisticated and well-funded as those in the developed north. Such advocates are often battling chronic and destabilizing corruption through transparency initiatives. I want to make it clear that I am not suggesting that accountability is outmoded or that transparency is always and in every circumstance a bad idea. Rather, it is the responsibility of every advocate and every importer of transparency models (as well as every developer and exporter) to ask themselves three questions:

1) Does this model of transparency constitute or facilitate a *response* rather than a contribution to the flow?
2) Is this model of transparency the one that will best serve the interests of politics understood as an arena of dissensus and antagonism?
3) Will it enable the formation of subjectivities that have meaningful political agency?

If the asking of these questions is considered a luxury pertaining only to those who already have ostensibly open and accountable systems, consider this: those states that do not yet have data-driven transparency, but which are looking for models to

import, have a strategic advantage over those that already do. The economic and ideological investment in data-driven transparency has meant that no real alternatives have been entertained in the contemporary global north. If one wants accountable, trustworthy government, there might be other forms of transparency or other methods altogether to achieve that. If dataphilia hasn't yet determined the political sphere and interrupted the democratic contract, there is still hope that other models can be implemented – models that give subjects a better chance of resisting neoliberal formations. This shouldn't be mistaken for encouraging conservatism – asking developing nations to stick to homegrown forms of governance and politics. Rather, it is a call to be 'open' about 'openness'. What would this look like?

I have two ways of answering this. Both are speculative offerings that focus on the conditions that might produce practical material alternatives rather than those alternatives themselves. These suggestions are strategic and disruptive, intended to provoke, prompt and inspire. They are not concerned with tweaking the current system and they won't satisfy the transparency advocate eager for open government tools now.

My first suggestion stays with and reinvents transparency. Radical transparency, an 'openness to', should be a mode of revelation that not only avoids the reinforcement of neoliberal subjects and relations, but interrupts the self as a surveilled data object. It would need to understand the mediated nature of, and ascribe alternative cultural values to, data and transparency. It would need to politicise data, transparency, and openness in general – to ask what role revelation should play in democratic representation. It would understand that openness might only make structurally inequitable systems work more efficiently (see Lefebvre, 1974: 28-9) or reinforce the social stratification behind digital access. This wouldn't necessarily involve a move away from data technologies – neither data as such nor the technologies that make the storage and circulation of it are ipso facto the problem here. Rather it is the delimitation of their position and role within a network by political, technological and economic protocols with which we can take issue.

According to Alexander Galloway and Eugene Thacker, hypertrophy, 'the desire for pushing beyond', is more politically effective than resistance with the latter's implicit 'desire for stasis or retrograde motion' (2007: 98). For Galloway and Thacker, hypertrophy involves pushing technology 'further than it is meant to go' (2007: 98). While they are thinking about the technological 'exploit' that computer viruses and hackers seek, we can ask what it would mean to push transparency 'further than it is meant to go'. It might involve platforms that are programmed to explicitly state the value of open data (to whom or what). It might require, as Felix Stalder suggests, communications technologies that enable large scale sociality to ensure that transparency is horizontal rather than top-down (2011: 22). It would obviously entail a commitment to the kind of structural shifts that would enable equal access to technology and the skills to navigate it rather than just an in principle democratisation of data. In addition, this hypertrophy might make a commitment to not ever more data, but data that is radically contextualized; the prefix 'radical' pointing towards an account of the conditions, assumptions and politics that informed the production and gathering of the data in the first place rather than the provision of metadata (which merely makes data searchable) or the packaging of data within apps (which might decontextualise as much as contextualise). After all, a dataset provided to us through transparency tools is not itself transparent: not only has it been gathered with a particular agenda in mind and a certain methodology, statistics that show a success story can belie other goals or values that have been sacrificed in the process (see Morozov, 2013: 85).

All of these suggestions or principles require speculation, experimentation and imagination. Whatever form this hypertrophy takes with respect to transparency, 'during the passage of technology into this injured, engorged, and unguarded condition, it will be sculpted anew into something better, something in closer agreement with the real wants and desires of its users' (Galloway and Thacker, 2007: 98-99).

My second suggestion looks like another path altogether, but it too can be thought of as pushing transparency 'further than it is meant to go' – so far, in fact, that it begins to appear as its opposite. This route requires us to abandon, at least temporarily, the

transparency bandwagon altogether, overcrowded as it is with liberals and neoliberals, and opt instead for secrecy. This is not the secrecy that has for so long been commandeered by the state or the right: those practices that have given secrecy a bad name. Rather, we can look to different spaces, subjectivities and relations opened up by critical theories of, and aesthetic experiments with secrecy. For instance, Jacques Derrida has a 'taste for the secret' (2001), but not the common, contextual secret that hides somewhere waiting to be revealed. He is interested, rather, in the unconditional secret: 'an experience that does not make itself available to information' (1992: 201). It is an undepletable excess that defies not only the surface/depth model and its promise that truth can be revealed, but also the attendant metaphysics of presence. Eschewing the hermeneutic drive and circumventing attempts to anticipate revelation, the unconditional secret within a text should be thought of as an encounter with the Other through which a responsibility of reading is made possible (and, it is important to note if we are to take proper account of Derrida's aporia, impossible). The secret, here, is fashioned in a productive capacity, in the service of ethics. In terms of democracy, Derrida defends the secret *qua* singularity, seeing it as an alternative to 'the demand that everything be paraded in the public square' (2001: 59). 'If a right to the secret is not maintained,' he writes, 'we are in a totalitarian space' (2001: 59). In light of such a formulation, we should be concerned for those who do not want to adhere to the dominant doctrines of democracy, including the doctrine of transparency. The subject of democracy is not simply one who is asked to be transparent to the state and act on transparency (a subject, as we have seen, imagined by data-driven transparency). The subject is also, in the guise of Derrida's non self-present subject, one that is constituted by a singularity that prevents full capitulation to the demands of transparency.

Echoing Derrida somewhat, but with his attention more attuned to the politics of race and relationality, the Martiniquan philosopher Édouard Glissant discusses a 'right to opacity' as the right to not be reduced to, or rendered comprehensible/transparent by the dominant, Western filial-based order (see Glissant in conversation with Diawara, 2011).[6] This means not settling for an idea of 'difference' as the basis of an ethical relation to the Other, but pushing further towards recognition of an irreducible opacity or singularity (Glissant, 1997: 190). For Glissant, opacity is the

'foundation of Relation and confluence' (1997: 190). The ethical subject is more aligned with secrecy than transparency in Glissant's writing in a way that offers us an alternative to the moral certitude of the 'transparency movement' and the idea of the 'good' neoliberal data subject. Such reformulations of the politics of the secret and secrecy enable us to begin to rethink the role of transparency in the relationship between constituted and constituent power (Negri, 1999), as well as interrupt the flow of communicative capitalism and the logic of control that require visible, surveillable and quantifiable subject-objects.

For further inspiration, we can draw on the politico-aesthetic imagination of two collectives that span both ends of the twentieth century: *Acéphale* (1936-9) and Tiqqun (1999-2001). Georges Bataille wanted to 'use secrecy as a weapon rather than a retreat' (Lütticken, 2006: 32) and imagined how a secret society named *Acéphale* (which translates as 'Headless') could regenerate or revolutionise society at large by instigating the kind of unorthodox values he championed throughout his oeuvre including expenditure, risk, and loss.[7] Disgusted with politics, even revolutionary politics, which he considered as too swayed by the promise and spoils of power, Bataille wanted a community invested, rather, in freedom and he thought the best way to do this was through a secret society (as well as its public counterparts, the publication that shared *Acéphale*'s name and the *Collège de Sociologie*). In their 'Cybernetic Hypothesis', the collective, Tiqqun, who were highly influenced by Bataille among others, call for 'interference', haze' or 'fog' as the 'prime vector of revolt' (2001/9). They see opacity as a means to challenge the political project of cybernetics and 'the tyranny of transparency which control imposes' (2001/9). Tiqqun itself, which published between 1999 and 2001, opted for collective anonymity over individual publicity. After its dissolution, some members went on to write and work under the equally anonymous Invisible Committee. (In fact, while the Invisible Committee chose to operate under the auspices of secrecy, the arrest of some of its members in 2008 under the charge of domestic terrorism quickly placed them under an unwelcome spotlight.[8]) Artists have certainly been influenced by Bataille's *Acéphale* (for example, Goldin + Senneby's show, 'Headless' (2008), which explores the shadowy world of offshore finance) and have taken up Tiqqun's call for becoming fog-like (Seth Price's 'How to Disappear in America' (2008) provides advice

on how to evade the law,[9] while Zach Blas' 'Facial Weaponization Suite' (2011-Present) produces masks to protest against biometric facial recognition).

We can also look to certain technological practices that question the promise and probe the political economy of openness. Take, for example, Freedom Box (http://freedomboxfoundation.org) and TOR (https://www.torproject.org), which both, in different ways, try to facilitate secure networks and online anonymity[10]; TrackMeNot (http://cs.nyu.edu/trackmenot/), a browser extension that aims to derail surveillance and data-profiling by flooding engines with random search terms; the (now defunct) Web 2.0 Suicide Machine that scrambled one's online identity by erasing individual data and friendship links on social media sites; the sentence generator from *Motherboard* (http://nsa.motherboard.tv) that encourages us to tweet or e-mail security sensitive words; or the decentralised hacktivist culture that connects under the title Anonymous.[11]

While such theories of, and experiments with secrecy won't alone be enough to challenge the logic that informs neoliberal transparency and its subjectivities, they might offer a 'space' in which a form of visibility that works for rather than against social justice might be imagined. Galloway and Thacker describe such tactics and technologies as affording non-existence – a chance to be 'unaccounted for' not because the data subject is hiding, but because s/he is invisible to a particular screen. They write, 'One's data is there, but it keeps moving, of its own accord, in its own temporary autonomous ecology' (2007: 135). It is important to recognise alternative imaginings of the data subject such as this because, as Fisher optimistically points out, 'the very oppressive pervasiveness of capitalist realism means that even glimmers of alternative political and economic possibilities can have a disproportionately great effect' (2009: 80-81). Experiments with both secrecy and transparency, with existence through the play of optics, might just offer the conditions under which politics can be rethought. Though the first term might suggest a closing down, 'critical transparency studies' is not intent on condemning transparency. It operates, rather, according to an 'in principle' openness to openness – an openness that can lead as much to a reconfigured secrecy as a reconfigured transparency, depending on the demands of the local context and global conjuncture. It is 'critical' in the analytic vein,

but also, perhaps, in terms of having a decisive or crucial role in the success, failure, or existence of transparency.

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Notes

1. The 'US Open Government Directive' of 8 December 2009 requires that all agencies post at least three high-value data sets online and register them on data.gov within 45 days.
2. For purposes of this article, 'open data' refers to data that is usable by both humans and machines.
3. More positive accounts of globalisation focus on the ways in which 'local' cultures resist, negotiate and appropriate imported cultural texts and practices, giving more weight to reception and consumption than the power relations of production (e.g. Liebes and Katz, 1990). Equally, the complexity of global flows that has been highlighted by Appadurai (1996) as well as Delueze and Guattari (1987) means that the homogenisation feared by some proponents of the cultural imperialism thesis is impossible.
4. Todd Sanders and Harry G. West usefully discuss transparency 'as a key-word component to ideoscapes that travel the globe conveying notions fundamental to the operative logic of globalizing economic and political institutions' (2003: 10).
5. Clare Birchall, Mark Fenster and Mikkel Flyverbom organised a series of panels at the Third Global Conference on Transparency Research, HEC, Paris, October 24-26th, 2013 on the theme of Critical Transparency Studies.
6. With thanks to Zach Blas for introducing me to Édouard Glissant's work.
7. As Benjamin Noys summarises, the society Bataille dreamed of was one of 'a plural dispersion of power, a society of fluid exchanges and willing loss rather than a society of accumulation' (2000: 47).
8. See Smith (2010) for an account of Tiqqun, the Invisible Committee and the arrests of the 'Tarnac 9'.

9. Felix Stalder (2011: 21) mentions this example in relation to Tiqqun in his excellent article, 'The Fight over Transparency'.

10. In a document revealed by Edward Snowden, it has become clear that the NSA can access TOR users' computers through vulnerable software but only if they have been identified first (See Ball, Schneier & Greenwald, 2013).

11. With thanks to Gary Hall for pointing me towards some of these examples (2011).

References

Adorno T (1951/2006) *Minima Moralia: Reflections from a Damaged Life*. Translated by Jephcott EFN. London: Verso.

Appadurai A (1996) *Modernity at Large: Cultural Dimensions of Globalization*. Minneapolis: University of Minnesota Press.

Ball J, Schneier B & Greenwald G (2013) 'NSA and GCHQ target Tor network that protects anonymity of web users', *The Guardian*. 4 October. Available at: http://www.theguardian.com/world/2013/oct/04/nsa-gchq-attack-tor-network-encryption
(accessed 10 October 2013).

Boas T and Gans-Morse J (2009) 'Neoliberalism: From New Liberal Philosophy to Anti-liberal Slogan', *Studies in Comparative International Development* 44(2): 137-161.

Brown W (2005) *Edgework: Critical Essays on Knowledge and Politics*. Princeton and Oxford: Princeton University Press.

Chapman D, Panchadsaram R and Farmer JP (2013) 'Introducing Alpha.Data.gov', Office of Science and Technology Policy. 28 January. Available at: http://www.whitehouse.gov/blog/2013/01/28/introducing-alphadatagov (accessed 12/8/2013)

Dean J (2005) 'Communicative Capitalism: Circulation and the Foreclosure of Politics', *Cultural Politics* 1(1): 51-74.

Dean J (2009) *Democracy and Other Neoliberal Fantasies: Communicative Capitalism and Left Politics*. Durham and London: Duke University Press.

Dean J (2011) 'Know it All: WikiLeaks, Democracy and the Information Age', *Open* 22: 46-55.

Deleuze G (1992) 'Postscript on the Societies of Control', *October* 59: 3-7.

Deleuze G and Guattari F (1987) *A Thousand Plateaus: Capitalism and Schizophrenia*. Translated by Massumi B. Minneapolis: University of Minnesota Press.

Derrida J (1992) 'Passions: An Oblique Offering', Translated by Wood D. In: Wood D (ed) *Derrida: A Critical Reader*. Oxford: Blackwell, pp. 5-36.

Derrida J and Ferraris M (2001) *A Taste for the Secret*. Cambridge: Polity.

Fisher M (2009) *Capitalist Realism: Is There No Alternative?* Ropley: Zero Books.

Foucault M (2008) *The Birth of Biopolitics*. Translated by Burchell G. London: Palgrave MacMillan.

Galloway A and Thacker E (2007) *The Exploit: A Theory of Networks*. Minnesota: Minnesota University Press.

Garsten C and Lindh de Montoya M (eds.) (2008) *Transparency in a New Global Order: Unveiling Organizational Visions*. Cheltenham: Edward Elgar.

Gearen S (2013) 'Innovators using federal data to help consumers make informed decisions', Data.gov. 16 April. Available at: http://www.data.gov/consumer/blog/innovators-using-federal-data-help-consumers-make-informed-decisions-0 (Accessed 10 June 2013).

Gitelman L and Jackson V (2013) 'Introduction', in: Gitelman L (ed.) *Raw Data is an Oxymoron*. Cambridge, MA: MIT Press, pp.1-14.

Glissant E (1997) *Poetics of Relation*. Translated Wing B. Michigan University Press: Ann Arbor.

Glissant E in conversation with Diawara M (2011) 'One World in Relation', *NKA: Journal of Contemporary African Art* 2011(28): 4-19.

Hall G (2011) *Digitize Me, Visualize Me, Search Me: Open Science and Its Discontents*. Michigan: Open Humanities Press. Available at: http://www.livingbooksaboutlife.org/books/Digitize_Me,_Visualize_Me,_Search_Me (Accessed 1 September 2013).

Howard AB (2012) 'Here comes the data economy', *Slate Magazine*. 10 September. Available at: http://www.slate.com/articles/technology/future_tense/2012/09/brightscope_castlight_new_businesses_built_on_open_government_data_.2.html (accessed 28/3/2013).

Jarosinski E (2009) 'Of Stones and glass houses: Minima Moralia as critique of transparency', In Richter G (ed.) *Language Without Soil: Adorno and Late Philosophical Modernity*. New York: Fordham University Press, pp.157-171.

Lazzarato M (2009) 'Neoliberalism in action: Inequality, insecutiry and the reconstitution of the Social', *Theory, Culture and Society* 26(6): 109-133.
Lefebvre H (1974) *The Production of Space*. Translated by Nicholson-Smith D. Oxford: Blackwell.
Liebes T and Katz E (1990) *The Export of Meaning: Cross-Cultural Readings of Dallas*. Oxford and New York: Oxford University Press.
Lütticken S (2006) *Secret Publicity: Essays on Contemporary Art*. Rotterdam: NAi Publishers.
Montanez L (2011) 'Data.gov and the developer', *The Sunlight Foundation.* 15 April. http://sunlightfoundation.com/blog/2011/04/15/datagov-developer/ (accessed 20 March 2013).
Morozov E (2013) *To Save Everything, Click Here: Technology, Solutionism and the Urge to Fix Problems That Don't Exist*. London & New York: Allen Lane.
Negri A (1999) *Insurgencies: Constituent Power and the Modern State*. Translated by Boscali M. Minneapolis: Minnesota University Press.
Noys B (2000) *Georges Bataille: A Critical Introduction (Modern European Thinkers).* London: Pluto.
O'Hara K (2011) *Transparent Government, Not Transparent Citizens: A Report on Privacy and Transparency for the Cabinet Office*. Available at: http://www.cabinetoffice.gov.uk/sites/default/files/resources/transparency-and-privacy-review-annex-a.pdf (Accessed 15 March 2012).
Peled A (2011) 'When Transparency and Collaboration Collide: The USA open data program', *Journal of the American Society for Information Science and Technology* 62 (11): 2085-2094.
Ruppert E (2013) 'Doing the transparent state: Open government data as performance indicators', in Mugler J and Park S-J (eds) *A World of Indicators: The Production of Knowledge and Justice in an interconnected World*. Cambridge: Cambridge University Press, pp. 51-78.
Sanders T & West HG (2003) 'Power revealed and concealed in the New World Order', in Sanders T & West HG (eds) *Transparency and Conspiracy: Ethnographies of Suspicion in the New World Order*. Durham and London: Duke University Press, pp.1-37.

Smith AS (2010) 'Vive le Tarnac nine! The French tradition of brainy sabotage lives on', *Vice*. 3 April. Available at: http://www.vice.com/read/vive-le-tarnac-nine-407-v17n4 (Accessed on 1 September 2013).

Stalder F (2011) 'The fight over transparency', *Open* 22: 8-22.

Tinolt D (2013) *The Open Data Economy*. Capgemini Consulting. Available at: http://www.capgeminiconsulting.com/sites/default/files/resource/pdf/opendata_pov_6feb.pdf (Accessed on 10 June 2013).

Tiqqun (2001/2009) *The Cybernetic Hypothesis*. Translated by Anon. Available at: http://cybernet.jottit.com/ (Accessed on March 2013).

Triplett M (2010) 'Transparency group taking government openness to the people', *Mediaite*. 18 March. Available at: http://www.mediaite.com/online/transparency-group-taking-government-openness-to-the-people/ (Accessed December 2012).

UK Cabinet Office (2013) 'Open Data Charter', G8. 18 June. Available at: https://www.gov.uk/government/publications/open-data-charter/g8-open-data-charter-and-technical-annex#principle-5-releasing-data-for-innovation (Accessed on 10 June 2013).

Vickery G (2010) 'Review of recent studies on PSI re-use and related market developments', *Information Economics*. Available at: http://ec.europa.eu/information_society/policy/psi/facilitating_reuse/economic_analysis/index_en.htm (Accessed on 12 June 2013).

The White House (2009a) 'Memorandum for the heads of executive departments and agencies: Transparency and Open Government.' 21 January. Available at: http://www.whitehouse.gov/the_press_office/TransparencyandOpenGovernment/ (Accessed 12 March 2013).

The White House (2009b) 'Memorandum for the heads of executive departments and agencies**:** Freedom of Information Act.' 21 January. Available at: http://www.whitehouse.gov/the_press_office/Freedom_of_Information_Act/ (Accessed 12 March 2013).

The White House (2009c) 'Memorandum for the heads of executive departments and agencies: Open Government Directive', 8 December. Available at: http://www.whitehouse.gov/the_press_office/TransparencyandOpenGovernment (Accessed 12 March 2013)

Worthy B (2013) 'David Cameron's Transparency Revolution? The Impact of Open Data in the UK', November 29. Available at SSRN: http://ssrn.com/abstract=2361428 or http://dx.doi.org/10.2139/ssrn.2361428 (accessed January 29 2014).

Art Exhibitions

Blas Z (2011-Present) *Facial Weaponization Suite.* Available at: http://www.zachblas.info/projects/facial-weaponization-suite/ (Accessed 31 Jan 2014).

Goldin + Senneby (2008) *Headless*. Curated by Burke G, The Power Plant, Toronto.

Price S (2008) *How to Disappear in America*. Friedrich Petzel Gallery, New York.

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